

REMARKS

I. Office Action Summary

Claims 12-17 are pending. Claim 12 is the independent claim. In the non-final Office Action mailed February 8, 2005, the Examiner rejected claims 12-14 as anticipated by Low (US 6,282,281) under 35 U.S.C. § 102(e). Claims 15-17 were rejected as obvious over Low under 35 U.S.C. § 103(a). The Examiner noted that the previously submitted Terminal Disclaimer has been accepted.

II. Rejection of Claims 12-14 Under 35 U.S.C § 102(e)

Applicant respectfully disagrees with the Examiner's rejection of claims 12-14 as anticipated by Low.

CLAIM 12

Claim 12 relates to a method of *obtaining information* about a called party *at a calling party device*, where the method includes the steps of:

entering a telephone number for the called party at the calling party device;

receiving at the calling party device an address for locating a customized file of the called party;

retrieving the customized file at the calling party device using the address received; and

communicating from the calling party device with the called party over a voice channel associated with the telephone number.
(emphasis added)

In the pending claim, the calling party device receives an address for a customized file of the called party and then retrieves the customized file. In contrast, the cited portions of the Low reference simply disclose a call-forwarding type of service with a look-up function that is handled by components internal to an AIN system (SSPs and SCPs) – and not by the calling party's device. Specifically, referring the Examiner's citation of Col. 23, lines 33-58, it is seen that the called party (User B in FIG. 13) has set up a forwarding number service

at server 51 so that when User A dials the “Webtel” number of User B, the SSP 41 forwards the Webtel number to the SCP 43 which then obtains the current roaming number for User B. This current number is then “returned to SSP 41 which then initiates completion of call set up to the telephone 40 corresponding to [User B]” (Col 23, lines 54-58).

Accordingly, unlike claim 12, the calling party device in Low does not receive an address for locating a customized file of the called party **and** does not retrieve the customized file. Because steps of claim 12 are entirely absent from the Low reference, Applicant submits that claim 12 is allowable over this reference.

Claims 13-17 are dependent claims and are therefore allowable for at least the same reasons as recited for independent claim 12.

III. Rejections Under 35 U.S.C. § 103(a)

Applicant respectfully traverses the Examiner’s rejection of claims 15-17 as obvious over Low in combination of “official notice” that using a mobile phone to download a website was well known. Dependent claims 15-17 are allowable for at least the same reasons as recited above for independent claim 12. The Low reference lacks the steps of the calling party device obtaining an address of a customized of called party information or retrieving this customized file at the calling device.

Claims 15-17 add the features of the calling party’s device comprising a mobile phone having a data display, displaying the customized file on a display for the mobile phone, and having the customized file displayed on the mobile phone comprise a webpage, respectively. Applicant agrees that Low is lacking these features, however Applicant does not agree with the Examiner’s attempt to take official notice of downloading webpages on mobile phones in lieu of presenting prior art support.

MPEP 2144.03 states that “official notice unsupported by documentary evidence should only be taken where the facts asserted to be well known, or to

be common knowledge in the art are capable of instant and unquestionable demonstration as being well-known" (MPEP 21033.03, p. 2100-136).

In this case, a basic web search on the history of mobile phone development disputes the official notice taken here. Specifically, attached for the Examiner's reference is a short history of the cell phone viewed on the website for the Consumer Electronics Association (viewed at www.ce.org/publications/books_references/digital_america/history/cell_phones.asp). In the attached, on page 3 of 3, it is noted that the first web-capable cell phone was released in 1999. Applicant notes that the 1997 effective date of the current application antedates this first mobile web-phone by two years. Accordingly, Applicant respectfully traverses the Examiner's official notice regarding downloading websites on mobile phones. Although Applicant has not conducted an exhaustive search, the initial search results discussed above clearly contradict the use of official notice in the context of these features

Applicant submits that claims 15-17 are allowable for at least the reasons set forth above.

IV. Conclusion

With the above, Applicant submits that claims 12-17 are in condition for allowance. A Notice of Allowance is respectfully requested.

Respectfully submitted,



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